

### **REMARKS/ARGUMENTS**

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

#### **Summary of Invention**

This invention relates to liners for personal care products having a hydrophilic first bodyside apertured nonwoven layer laminated with a hydrophobic second apertured layer. The apertures of the layers may be aligned. The first bodyside layer can be made up of fibers having durable hydrophilicity. The second layer can be made up of fibers with non-durable hydrophilicity. This type of liner can be used in various personal care products, including pantliners, and has the benefit of rapid fluid intake and prevention of the fluid moving upwardly towards the wearer.

#### **1. Objections to informalities in the specification and claims.**

In the specification, the paragraphs beginning at page 2, line 11 and page 10, line 6 and line 21 have been amended to correct the informalities objected to by the examiner. Likewise, the paragraphs beginning at page 6, line 4 and page 12, line 10 were amended to correct errors in trademark usage.

Claims 2-7, 13 and 14 have been amended to correct informalities objected to by the Examiner.

#### **2. Rejection of claims for indefiniteness.**

By way of the Office Action mailed June 26, 2003, Examiner Reichle rejected claims 10 – 11 under 35 U.S.C. §112, second paragraph, for as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the examiner believes that claim 10 is redundant.

Claim 10 has been amended to correct the percentage of open area of the apertures described in the claim to 20 to 40 percent as discussed in the specification at page 11, lines 12-14. Hence, the applicant respectfully requests that the Examiner withdraw the rejection with respect to claim 10.

The Examiner also contends that claim 11 lacked a positive antecedent basis for "said apertures in said layers." Claims 7 and 11 has been amended to provide proper antecedent basis in claim 11. Accordingly, this rejection has been obviated by amendment.

### **3. Rejection of claims for anticipation by Chen et al.**

By way of the Office Action mailed June 26, 2003, Examiner Reichle rejected claims 1 – 16 under 35 U.S.C. §102(b) as allegedly being anticipated by Chen et al., PCT WO 98/42290. This rejection is respectfully **traversed** to the extent that it may apply to the present claims.

Chen teaches a dual-zoned absorbent web comprised of a web of wet-resilient, hydrophilic basesheet with a three-dimensional topography with elevated regions onto which hydrophobic matter is deposited. The hydrophobic material is deposited on the uppermost, body-contacting regions of the hydrophilic web. See Chen at page 3, lines 12-16; paragraph bridging pages 34 and 35; and Figures 1, 5 and 14 where 1 is the hydrophilic basesheet and 2 is the hydrophobic material.

In contrast, the present invention is a liner material comprising a first bodyside layer of hydrophilic material with a second layer of hydrophobic material laminated underneath. The present invention differs from Chen in that Chen teaches putting hydrophobic fibers on the uppermost body-contacting surface of a nonwoven web while the present invention places a hydrophilic layer against the skin. Therefore, the applicants assert that the present invention is not anticipated by the Chen patent.

For this reason claims 1 – 16 are believed to be patentable over Chen. Applicants respectfully request that the rejection based on 35 USC §102(b) be withdrawn.

### **4. Objection to drawings.**

Examiner Reichle has objected to the drawings under 37 CFR 1.83(a) as failing to show every feature of the invention specified in the claims. Specifically, the Examiner contends that the liner, personal care product or pantiliner as claimed in claims 1-14 must be shown or the feature(s) canceled from the claim(s).

The Applicants respectfully assert that the subject matter sought to be patented is clearly described in the description and claims of the specification and that drawings are not necessary to understand the subject matter, 35 CFR 1.81(a). Nor does the subject matter admit of illustration in the sense of 35 CFR 1.81(c). Such products and liners are familiar to those skilled in the art and

have been sold to consumers for over a quarter of a century. The Information Disclosure Statements previously filed in this application demonstrate that consumer products of this general type, including liner materials of this general structure, are familiar to those skilled in the art and need not be illustrated.

However, for the sake of additional clarity, Applicants have amended the drawings to include Figures 2 - 3. The Applicants respectfully submit that the figures show the structural features that are claimed in claims 1-14. Minor amendments have been made to the specification adding figure and reference numbers to reflect that addition of these figures. No new matter has been added as the description remains essentially the same. Accordingly, the Applicants respectfully request that this objection to the drawings be withdrawn.

For the reasons stated above, it is respectfully submitted that all of the present claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (770) 587-8096.

Respectfully submitted,

KIM ET AL.

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#### CERTIFICATE OF MAILING

I, Nathan Hendon, hereby certify that on September 12, 2003 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Nathan Hendon